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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-second year

Identical letters dated 7 February 2017 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I write to you once again with great alarm about the illegal actions and provocative measures that continue to be perpetrated by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem. Day after day, we are witness to Israel's absolute contempt for Security Council resolutions and its hostile opposition to, and in fact destruction of, the two-State solution in accordance with relevant United Nations resolutions and on the basis of the 1967 lines.

In the few short weeks since the Council's adoption of resolution 2334 (2016), Israel has committed thousands of violations. The occupying Power has done this intentionally and systematically, in grave breach of international law and total disrespect for the Council's decisions and the clear calls by the international community as a whole to cease its violations and commit to peace.

Yesterday, 6 February, immediately following the decisions to advance plans for the construction of more than 5,500 settlement units in illegal settlements across the Occupied West Bank, including East Jerusalem, the Israeli Knesset adopted the so-called "regularization bill", a scheme being presented as "law" with the express purpose of facilitating and authorizing the expropriation, colonization and ultimate de facto annexation of Palestinian land.

We drew attention to this specific matter in our letter of 20 December 2016 (A/ES-10/736-S/2016/1083) and are compelled to do so again today. This provocative Israeli measure constitutes a blatant attempt to "legalize" a crime. It aims at reinforcing Israel's illegal settlement enterprise and sanctifying the theft of our land, whether by Israeli settlers or the Government and its occupying forces. In this regard, we reiterate: Israeli settlement activities — regardless of their classification by the occupying Power as settlements, "settlement outposts" or otherwise and regardless of attempts to pervert the law — are illegal in every manifestation, whether on privately owned or public land in the Occupied Palestinian Territory, including East Jerusalem.

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Colonization is colonization, no matter how it is packaged or presented, and it is strictly prohibited. International law is clear: the Fourth Geneva Convention prohibits the transfer of civilians of the occupying Power into the occupied territory; Additional Protocol I deems such measures to be grave breaches; and the Rome Statute of the International Criminal Court affirms that such actions constitute war crimes. No amount of legal manipulation by Israel can evade these unequivocal prohibitions.

The reality is that this "bill" is the continuation of a long line of illegal Israeli policies and practices over a half-century of occupation of the Palestinian land and oppression of the Palestinian people, violations for which the occupying Power has never been held accountable. The fact is that every single measure taken to prop up, extend and entrench this occupation — every settlement unit constructed in the West Bank, including East Jerusalem; every inch of wall erected in deviation of the Green Line; every military order issued to confiscate Palestinian land or demolish a Palestinian home; every forced displacement of a Palestinian family; every killing of a civilian — child, woman or man; every arrest and detention of innocent civilians; every day of imposition of the blockade on the Gaza Strip — is unlawful, regardless of the distorted legal and security pretexts presented by Israel. As such, the occupation itself, at its core and in all of its dimensions, is illegal and must end.

Under these circumstances, the responsibilities of the international community are clear, and upholding the law and holding Israel to account for its breaches become more urgent than ever. The illegal will not suddenly become legal because of such a so-called "regularization bill" by the occupying Power. The law – international law and as enshrined in numerous Security Council and General Assembly resolutions — is clear and remains unchanged.

Moreover, it is clear that the creation of such unilateral, illegal conditions on the ground — obviously intended to prejudge the outcome of negotiations for a solution to the Israeli-Palestinian conflict — will not be accepted, neither by Palestine nor by the international community. This was reaffirmed by the Security Council in resolution 2334 (2016), in which the Council "underlines that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations".

This and other provisions reaffirm the letter and spirit of the law and what has been repeatedly stated at every juncture: (a) a solution to the Israeli-Palestinian conflict must be based on international law and relevant United Nations resolutions; and (b) negotiations on that basis, not the unilateral imposition of facts on the ground, are the path for achieving such a just, peaceful and lasting solution.

The Palestinian leadership has firmly committed itself to both pillars, accepting the historic compromise of two States based on the pre-1967 borders in accordance with international law, United Nations resolutions, the Madrid principle of land for peace, the Arab Peace Initiative and the Quartet road map and engaging for over two decades in good-faith negotiations to end the occupation and achieve a just and comprehensive peace agreement and the rights of the Palestinian people. Most recently, this commitment has been reaffirmed in our declarations of respect for resolution 2334 (2016) and all provisions therein without exception. Palestine restates that commitment today, in spite of Israel's flagrant violations, which are destroying the two-State solution and causing the Palestinian people to lose faith in the possibility of ever achieving such a solution and in the prospects for realizing justice, peace and coexistence.

Indeed, our resolve, as well as that of the international community, is being severely tested by such relentless, illegal and provocative Israeli actions. This most recent measure by the Israeli Knesset must be firmly condemned and rejected. Israel must be demanded to cease and reverse these illegal measures and must be held accountable for this and all other violations that it continues to commit in the Occupied Palestinian Territory, including East Jerusalem. Serious efforts must be undertaken by the international community, particularly the Security Council, to implement resolution 2334 (2016) and all other relevant United Nations resolutions. This is vital both for salvaging the two-State solution and the prospect of a peaceful and secure future for both peoples and for upholding the rule of law, all of which are being gravely undermined at this moment.

The present letter is in follow-up to our 605 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 1 February 2017 (A/ES-10/742-S/2017/96), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine
to the United Nations